



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

FOR IMMEDIATE RELEASE: January 13, 2005

Contact: Maria Velasquez, Communications Director: (619) 235-5725 (pager & voicemail) mvelasquez@sandiego.gov

CITY ATTORNEY TAKES POSSESSION OF DOCUMENTS THAT MAY BE CRITICAL TO FEDERAL INVESTIGATIONS

San Diego, CA: The City Attorney's Office now has in its possession several boxes of documents responsive to subpoenas issued by the U.S. Grand Jury or the Securities and Exchange Commission (SEC) in their investigations. The boxes of documents were retrieved Tuesday afternoon, January 11, from the City Hall office of Acting City Auditor Terri Webster who also serves as an Ex-Officio Board member of the San Diego City Employees' Retirement System.

As a part of his on-going independent investigation into issues related to the City's financial disclosure practices, City Attorney Michael Aguirre became aware of the documents after one of his investigators participated in an interview of Ms. Webster. At the time the documents were retrieved, Ms. Webster's personal counsel, Jerry Coughlan, who is representing her on matters related to her duties as a Retirement Board member, was reviewing the records. City Attorney Aguirre by phone requested that Mr. Coughlan return any documents in his possession. Mr. Coughlan complied and the boxes were removed by the City Attorney's investigative staff.

The following day, City Attorney Michael Aguirre received a letter from the SEC's attorney, Emily Breckenridge:

"We spoke yesterday about City of San Diego Employees having documents in their City offices that they apparently claim are San Diego City Employee's Retirement System documents rather than the City of San Diego's documents. Please advise us as soon as possible of the identity of all City employees who have San Diego City Employees' Retirement System documents not previously produced to the Commission by the City of San Diego. To the extent that these documents are within the possession, custody, or control of the City of San Diego and are responsive to the Commission's April 22, 2004 administrative subpoena, these documents should be produced immediately to the Commission."

Under the City of San Diego's Charter, Section 40, the City Attorney is the custodian of all records pertaining to his office and may demand documents from other City officials as follows:

(MORE)

“The City Attorney shall have charge and custody of all legal papers, books, and dockets belonging to the City pertaining to his office, and, upon a receipt therefore, may demand and receive from any officer of the City any book, paper, documents or evidence necessary to be used in any suit, or required for the purpose of the office.”

Furthermore, on December 9, 2004, City Attorney Michael Aguirre asserted his authority, under the same section of the San Diego City Charter, to assume the role of chief legal advisor to the San Diego City Employees' Retirement System.

###